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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,326	08/14/2001	Ryuzo Tamayama	7217/65194	8650

7590 01/05/2004

COOPER & DUNHAM LLP
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New York, NY 10036

EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,326

Applicant(s)

TAMAYAMA, RYUZO

Examiner

Devona E. Faulk

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/14/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: "...having the main speakers by a wire consisting of one wire or wirelessly..." is unclear. Appropriate action is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (U.S. Patent 6,574,339).

Regarding **claim 1**, Kim teaches of a three-dimensional sound reproducing apparatus for multiple listeners (Figure 2). It is inherently a multi-channel apparatus because the apparatus has three speakers and each speaker must have its own channel. It is also inherent that there is an output means for driving the left and right main channel speakers.

4. **Claim 2** is rejected under 35 U.S.C. 102(b) as being anticipated by Endoh et al. (U.S. Patent 5,896,358).

Regarding **claim 2**, Endoh discloses an audio system (Figure 4) comprising a center speaker (8C), which reads on a "center speaker"; left and right speakers (8L and 8R) which read

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on the "left and right speakers separable from a housing"; an audio and video reproducing section (202 and 203) and he indicates that what is recorded on the disk (1) are audio data in which 5-channel audio signals are encoded, bit stream data, and other data (column 9, lines 10-14 and so there is inherently a recorder. This reads on the "reproducing and recording means" as claimed. He further teaches on the system CPU (50) that acquires data and attributes information items to the various processing sections (column 32, lines 19-31) which reads on the "control means" as claimed; on various of switching in order to down-mix with a specific coefficient in the surround mode (Figures 64-68; column 36, lines 28-column 37) which reads on the "switching means" as claimed; and of a monitor section (6) that displays images according to the audio signals. The system can be used for karaoke (abstract). The monitor section then reads on "wherein channel signals of the remaining channels from the switching means are supplied to a target" as claimed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Endoh et al. (U.S. Patent 5,896,358).

Claim 3 claims the multi-channel acoustic signal reproducing apparatus of claim 2, wherein an output signal from the output means is transmitted to the target of the television

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receiver etc. having the main speakers by a wire consisting of one wire or wirelessly and the speakers of the multi-channel acoustic signal reproducing apparatus are used as rear speakers. As stated above apropos of claim 2, Endoh meets all elements of that claim. Therefore, Endoh meets all elements of claim 3 with the exception of an output signal transmitted as claimed, and speakers arranged as claimed. Endoh teaches of surround system and of speakers (8Ls and 8Rs), which are the back or rear speakers. Wireless transmission is well known as and such it would have been obvious to one of ordinary skill in the art at the time of the invention to use wireless transmission for the benefit of having a more compact system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 703-305-4359. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

DEF



**MINSUN OH HARVEY
PRIMARY EXAMINER**

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